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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,667	02/15/2002	Allon G. Englman	47079-0127	2996

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EXAMINER	
HSU, RYAN	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/077,667	ENGLMAN, ALLON G.	
	Examiner	Art Unit	
	Ryan Hsu	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18,20-22 and 25-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18,20-22 and 25-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

In response to the amendments filed on 2/10/2006, claims 1,16, 20, 40, and 43 have been amended. Claims 1-18,20-22, and 25-44 are pending in the current application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Claypole et al. (GB 2,353,128 A).

With reference to claims 20-21, Claypole discloses an gaming machine that is implements a wagering game on a game machine wherein the machine receives a wager from a player (*see bottom game and game button [330] of Fig. 3)*, and randomly selects an outcome from a plurality of possible outcomes, the plurality of possible outcomes include a plurality of winning outcomes defined by a pay table (*see paylines 340, 342, and 344 of Fig. 3 and the related description thereof*), each of the winning outcomes in the pay table being a winning symbol combination including a plurality of symbols and directly associated with respective non-credit-based awards; and provides the associated non-credit based award if the selected outcome is one of the winning outcomes (*see page 10: ln 24- pg 11: ln 20*). Additionally, Claypole implements a bonus game wherein the non-credit based awards include a number of movements of a space identifier along a trail, the number of movements varying by the winning outcomes produced by the random outcomes (*see track 356 of Fig. 3 and the related description thereof*).

Furthermore Claypole implements a trail that includes a plurality of spaces, where at least some of the spaces being associated with respective credit-based awards (*see trail 348', 350', and 352' of Fig. 3 and the related description thereof).*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Claypole et al. (GB 2,353,128 A) and in view of Yosoloff (US 6,311,976 B1).

In regards to claim 22, Claypole teaches a game machine that implements a method with a gaming machine that receives a wager from a player. Additionally, Claypole implements method that randomly selects an outcome from a plurality of possible outcomes (*ie: top game*), the plurality of possible outcomes including a plurality of winning outcomes defined by a pay table (*top track [356] of Fig. 3 and the related description thereof*), the winning outcomes in the pay table being directly associated with respective non-credit based awards; and providing the associated non-credit-based award if the selected outcome is one of the winning outcomes (*see movement around track [356] of Fig. 3 and the related description thereof*). However, Claypole is silent with regard to a non-credit based award including a number of free plays of the game, the number of free plays varying by the different winning outcomes.

Yosoloff teaches in a related art, the ability to provide an award that includes a number of free plays of the games varied by the different winning outcomes (*see col. 10: 20-24*). Yosoloff offers these types of prizes as an added incentive for players to continuing playing while enhancing the experience for the user. One would be motivated to incorporate the free plays into Claypole in order to enhance the experience for the user. Therefore it would be obvious to one of ordinary skill in the art at the time of the invention in order to implement the "free-play" teachings of Yoseloff with the game machine taught by Claypole.

Claims 1-17 and 25-41, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable by Claypole et al. (GB 2,353,128 A) in view of Walker et al. (6,077,163).

In regards to claim 1 and 25, Claypole teaches a method of conducting a wagering game on a gaming machine that allows a user to place a wager to purchase a series of plays of a basic portion of the game wherein a bonus result is allocated to an entire series of plays (*see Fig. 1 and 2 and the related description thereof*). Furthermore, Claypole implements a method of play wherein a response to a single wager a player is provided a series of randomly generated outcomes of each play and provides an accumulation feature that accumulates an element of the game over a plurality of the plays in the series (*trails 348', 350', and 352' of Fig. 3 and the related description thereof*). However, Claypole is silent with regards to implementing block wagering, or providing a single wager to be allocated to an entire series of plays and the wager is not being associated with any one of the other series of plays.

Walker et al. teaches the use of the block wagering method in a related gaming machine. Additionally, Walker teaches the use of implementing block wagering where a player may pay a "flat-rate" in order to purchase an interval of time to play a series of games. Walker discloses

that this interval may be time, handle pulls, and any other segment in which a slot machine could be divided (*see col. 3: ln 10-20)*. Walker teaches that one would be motivated to implement this type of wagering system in order to attract customers that are interested in the gaming machine tournaments where a flat rate price allows unlimited play during a duration of a series of plays (*see col. 1: ln 20-30*). Walker teaches that this system allows flexibility to these users so they do not have to follow the tournament schedules of the gaming establishments. Thus it would be obvious to one of ordinary skill at the time of the invention to implement the teachings of Walker's block wagering system into Claypole's gaming machine in order to increase its appeal to users that enjoy the method of slot machine tournaments (*see col. 1: ln 20-45*).

Claims 2 and 26, Claypole teaches the use of a gaming machine wherein the basic portion is selected from a group consisting of slots, poker, keno, bingo, blackjack, and roulette (*see mechanical reels 312, 314, 316 of Fig. 3 and the related description thereof*).

Claims 3-4, 28-29, Claypole discloses an accumulation feature that is triggered by a special outcome in the basic portion wherein the accumulated element is a position on a trail, ladder, or meter (*see trails 348', 350', and 352' of Fig. 3 and the related description thereof*).

Claims 5-8, 30-33 are disclosed by Claypole, wherein a method of a position identifies a credit amount, a multiplier, a number of free plays of the basic portion, a bonus round, or movement to another position on the trail, the ladder, or meter (*see trails 348', 350', and 352' of Fig. 3 and the related description thereof*). Additionally this accumulated element is a collected object. The disclosed "bonus" is the response to a collection of a predetermined number of the object during the series of plays *(see page 6: ln 27-page 8: ln 16)*. Furthermore, Claypole implements a method where the accumulation feature is reset to include no accumulated

elements once the previous series of plays is finished where it is a function of the invention that is part of the software design.

In regard to claims 9-15, 34-39, Claypole teaches a method with a gaming machine, wherein each play includes a random event regarding the reels that is independent of other plays in the series (*see mechanical reels 312, 314, or 316 of Fig. 3 and the related description thereof, pg. 6: ln 10-26*). The game also consists of a basic portion and a bonus feature triggered by a special outcome in the basic portion (*ie: a winning line that triggers a win on the bonus game*) (*see reel outcomes 340, 342, and 344 of Fig. 3 and the related description thereof).* Claypole also discloses prior to the completion of the series of plays an accumulated element that can be redeemed if a certain condition is met by a predetermined event in the series of plays. This predetermined event corresponds to a certain position of the element on a trail, ladder or meter (*see 348' 350' and 352' of Fig. 3 and the related description thereof*).

Claims 16-17, 40-41 are disclosed by Claypole, wherein a wagering game provides an award to the player if the outcome is a winning outcome and the basic portion includes a slot game having a plurality of symbol-bearing reels that, during each play in the series, are spun and stopped to place symbols on the reels in visual association with a display area (*see jackpot 348', 350' and 352' of Fig. 3*).

Regarding claims 43-44, Claypole discloses a method wherein redeeming the accumulated element for a bonus event in response to a predetermined event (*see indicators and trails 348', 350' and 352' of Fig. 3 and the related description thereof*) before completing the series of plays; playing the bonus event; and continuing the series of events (*see page 11: ln 4-24*). Additionally the predetermined event corresponds to a collection of a predetermined

number of the accumulated element (*see track 356 and trails 348', 350' and 352' of Fig. 3 and the related description thereof*).

Claim 18 and 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Claypole et al. and Walker et al. in further view of Duhamel (USPN 6,311,976).

The disclosure of Claypole and Walker as discussed above and is, therefore, incorporated herein. However, Claypole and Walker lack in disclosing a draw poker game. Duhamel, in an analogous gaming system, teaches, in FIGS. 2-9, col. 5: ln 47-67 & col. 6: ln 1-37, a draw poker game and poker hand rankings table. One would have been motivated to combine the teachings of Duhamel with the teachings of Claypole and Walker in order to diversify the type of games offered by the gaming machine and increase the overall excitement of the game. Therefore it would have been obvious to one of ordinary skill at the time the invention was made to incorporate the teachings of Duhamel with Claypole and Walker in order to create a more exciting game machine.

Response to Arguments

Applicant's arguments filed 2/10/2006 have been fully considered but they are not persuasive. Applicant argues that Claypole lacks in teaching the about a "single wager being allocated to an entire series of plays or resulting in a series of randomly selected outcomes". Examiner agrees with applicant's statement but respectfully contest that the Examiner's interpretation has been taken out of context. Examiner intention of Claypole was to teach a

method of conducting a wagering game that included a basic game and a bonus game. The bonus game provided the accumulation feature that accumulates an element of the game over a plurality of the plays in the series as specified by the scope of the claim. Additionally, the basic game provided the reception of a single wager from the player wherein the single wager was allocated to the entire of series of plays and not being series of plays (*ie: the bonus game accumulation element*) and not being associated with any one of the series of plays (*ie: a new series of plays with respect to the bonus game feature*). The Examiner has then addresses the aspect of block wagering, which refers to the "single wager, providing the player with the series of plays", with the introduction of Walker. The confusion of interpretations as seen by the examiner exists due to the lack of clarification between simply a game associated with the entire series of plays with regard to the bonus game (*ie: found in Claypole*) and the feature taught by Walker which offers the user a series of plays associated with a single wager.

In response to Walker's teachings, Examiner notes that Walker's tournament "flat-rate of play" meets the qualifications of a game machine that offers the player "to purchase a series of plays for a single wager".

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Claypole is directed towards a stand-alone game and Walker is directed

towards a tournament system with regard to a plurality of gaming machines. However, Claypole has been brought in to teach the method of playing a basic game and bonus game of a gaming machine. Walker on the other hand has been brought in to teach the implementation of a tournament setting where a single wager being allocated to an entire series of plays may be included. The methodology taught by Walker does not preclude it from incorporating different games being played on its tournament setting, therefore it would be obvious to one of ordinary skill in the art to incorporate any method of playing a game into a tournament setting taught in Walker. Therefore there is sufficient motivation to simply replace the game machines of Walker with a plurality of game machines containing the game taught in Claypole into a tournament setting, which would teach the limitations of the current applications claims.

The applicant further argues several points of the dependent claims. These points will be addressed below:

Regarding claim 4 and 6 with regard to an accumulated element (*ie: trail, latter, or meter*) and a collected object. The progression on the trail and a collected object are notably art known equivalents as prizes awarded in a bonus game. In the instance of Claypole, the accumulated elements are taught by the different trail elements (*see trails 348', 350', and 352'*) and the accumulated element is taught by the pre-trail elements and the nudges (*see accumulation trail element [348, 350, and 352] and element [318] of Fig. 3 and the related description thereof*).

Regarding claims 7, the accumulation element that requires a predetermined number of objects before the triggering is taught with the accumulation elements of trails (*see 348, 350, and 352 of Fig. 3 and the related description thereof*).

Regarding claim 11, Claypole teaches a play that includes at least one random event that is interdependent of one or more other plays in the series (*see accumulation trail and track trail relationship [348', 350', 352' and 378 of Fig. 3 and the related description thereof*).

Regarding claims 43-44, Claypole requires that a predetermined number of accumulated elements (*see arrows 1-4, 1-7, and 1-9 of elements [348, 350, and 352 of Fig. 3 and the related description thereof*), be met before the bonus elements of the trails are initiated. Then the relationship of the track and trails is initiated and when the player is done the play returns back to the basic game element and the series of plays as taught by Walker.

Regarding claim 22, Applicant argues that the current claim language is not sufficiently disclose by the inclusion of "free plays" being awarded as a prize. The current limitations in the application regarding "free plays" simply states, "wherein the non-credit-based awards include a number of free plays of the game, the number of free plays varying with different ones of the winning outcomes. Yoseloff incorporates the same award of "free plays" which are non-credit-based awards. Furthermore, it is inherent with regard to the awarding of free plays for a game machine to award them based on a winning outcome.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pascal et al. (US 6,287,202 B1) – Dynamic Tournament Gaming Method and System.

Guinn et al. (US 6,039,648) – Automated Tournament Gaming System: Apparatus and Method.

Walker et al. (US 6,224,486 B1) – Database Driven Online Distributed Tournament System.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Hsu whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RH
April 25, 2006

JOHN M. HOTALING, II
PRIMARY EXAMINER